

# Order

Michigan Supreme Court  
Lansing, Michigan

October 28, 2014

Robert P. Young, Jr.,  
Chief Justice

148869

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 148869  
COA: 319205  
Wayne CC: 13-005392-FC

LAVONTA REGINALD ALSTON,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the January 13, 2014 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals to reconsider the defendant's issue regarding the Wayne Circuit Court's assessment of court costs. On remand, the Court of Appeals shall hold this case in abeyance pending its decision in *People v Konopka* (Court of Appeals Docket No. 319913). After *Konopka* is decided, the Court of Appeals shall reconsider the defendant's issue in light of *People v Cunningham*, 496 Mich 145 (2014), and *Konopka*. It shall then deny or grant the application on this issue, or otherwise exercise its authority under MCR 7.216(A)(7). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.

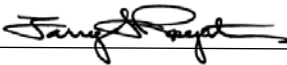
CAVANAGH, J., would grant leave to appeal.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 28, 2014

  
Clerk